

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KATHERINE ELIZABETH NEIMER	:	CIVIL ACTION
	:	
Plaintiff	:	
	:	
v.	:	
	:	
LANCASTER SCHOOL DISTRICT,	:	
et al.	:	NO. 02-4034
	:	NO. 03-5922
Defendants	:	

O R D E R

AND NOW, this day of February, 2004, upon
Consideration of Plaintiff's Petition for Certification (Doc.
13), it is hereby ORDERED that Plaintiff's Petition is DENIED.
The above-captioned action is not yet fully resolved; Plaintiff's
claims against Defendant Alvarez remain. Prompt adjudication of
Plaintiff's claims against Alvarez will be complicated (and
possibly prolonged) by an interlocutory appeal; moreover, the
record on appeal will be more complete following trial.
Plaintiff implies that judicial economy will be served by this
Court's staying of the Alvarez action pending appeal of this
Court's dismissal of the other Defendants. Plaintiff's Petition
at 4. As the above-captioned case has been the subject of a long
and contentious history, and is now substantially more than a
year old, the Court is unwilling to further prolong a trial on
the merits. Finally, as trial in the above-captioned matter will

occur in the very near future,¹ there is little actual prejudice to Plaintiff; she will be able to take her appeal immediately following disposition of her claims against Alvarez. As this Court has found that there is just reason for delaying certification pursuant to Fed. R. Civ. Pro. 54(b), Plaintiff's Petition must fail.

AND IT IS SO ORDERED.

Clarence C. Newcomer, S.J.

¹In another Motion in the above-captioned case, Plaintiff's Counsel aptly described the state of the Parties as "positioned at the courthouse steps."